

..... DCJIS Newsletter



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James F. Slater, III, Acting Commissioner

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DCJIS ANNOUNCEMENTS

Changes to the Massachusetts Instant Record Check System (MIRCS)

On August 13, 2014, Chapter 284 of the Acts of 2014 was signed into law. This new gun law made significant changes to the previous statute, many of which effect the MIRCS, the Commonwealth's online firearms licensing and gun sale system.

The following is a summary of the changes that have been made in MIRCS.

1. The ability to issue or renew a class B license to carry (LTC) firearms has been removed. All current class B LTCs will remain active until said expiration.
1. A mechanism to identify individuals currently on active duty with the U.S. Armed Forces has been added and will allow for the license to remain active past expiration;
2. An indicator that an applicant is a current member of the U.S. Military or Massachusetts National Guard and, therefore, does not need to provide a basic firearms safety certificate with the application has been added;
3. Only applicants between the ages of 14 and 17 are now able to apply for the Firearms Identification (FID) Card Restricted for Self Defense Spray. This license type is not available for issuance to anyone over the age of 17;
4. FID card applicants can now apply at age 14, but the license will not be active until the applicant's 15th birthday;

5. The new \$25 fee for retired law enforcement officers has been added to the “reduced fee” menu;
6. A renewal applicant’s current license will remain active indefinitely, or until the issuance or denial of the renewal license, provided the applicant has applied for renewal prior to the expiration of the current license;
7. All renewal applications must be submitted with an affidavit regarding the reporting of lost or stolen firearms since the issuance of the previous license. An indicator that the affidavit has been received has been added to the MIRCS, and a blank affidavit is available to print;
8. LOs can generate receipts for all new and renewal LTC and FID card applicants upon entry of the application into MIRCS. LOs can also print blank receipts directly from MIRCS in those cases where applicants can “drop off” applications. Finally, a blank receipt in a “fillable” PDF format is available on the DCJIS Extranet.

The following changes will be made in February:

9. Adjustments will be made to the content of the various letters generated by MIRCS. These adjustments will be limited entirely to the wording changes. **The method for generating these letters will not change.**
10. A new application will be uploaded into MIRCS reflecting new and revised application questions based on new disqualifiers or other changes provided by the new statute. The online MIRCS questionnaire will also be changed to reflect the new application.

For a more detailed memo (including screen shots), please visit the CJIS Extranet (<http://170.154.225.103/default.aspx>). Questions about these changes can be directed to the Firearms Records Bureau at 617.660.4782.

NICS background checks now available for the return of firearms

Effective January 20, 2015, criminal justice agencies now have the ability to perform a NICS background check for the purpose of returning firearms in the possession of the agency to the licensee or to a prospective transferee.

Important – the NICS query can **only** be utilized for the firearms licensing process or for the return of firearms. **NICS queries may not be made for any other purpose.**

Procedure

The NICS background check is only available in CJIS Messenger at this time.

1. In the CJIS Messenger forms tree, double click “NCIC” then “NICS”;
2. Double click “Initial Query”, enter all the required information as marked with a red asterisk (*), and click “Submit”.

The only purpose codes that should be utilized are:

14 - Gun permit of any type

22 - Return of Handgun

23 - Return of Long gun

24 - Return of Other

3. If a hit is returned on the transferee or firearms license applicant, click “Follow-up Query” and enter the “NTN #” from the initial response, as well as either the “FBI #”, “NCIC #”, or “NRI #”, and click submit.

Questions regarding these queries can be directed to the CJIS Support Services Unit at 617.660.4710 or the Firearms Records Bureau at 617.660.4782.

Updates to Medical Marijuana Program

Effective February 1, 2015, qualified patients, approved caregivers, and Registered Marijuana Dispensary (RMD) agents with a Medical Marijuana (MMJ) certification must be registered with the program and receive their official program identification card.

There are three types of ID cards: 1) Patient; 2) Personal Caregiver; and 3) RMD Agent. Each ID card contains the individual's name, photograph, and the type of registrant, their registration number, the ID card expiration date, and five different security features.

Important: The "ID card expiration date" is NOT the date that the individual's registration expires. Registrations must be renewed annually, whereas new ID cards are issued every three years. To find out whether an individual has an active registration with the MMJ, run the "MMJ" query from CJIS Web or CJIS Messenger and observe whether the individual has an "Active" or "Inactive" status next to "Registration Status". See the DCJIS Extranet for the MMJ Quick Reference Guide for more information about the MMJ query in CJIS Messenger.

Additional information about the MMJ program, as well as the sample images below can be found on the Department of Public Health's website:

<http://www.mass.gov/eohhs/gov/departments/dph/programs/hcq/medical-marijuana/mmj-id-cards-samples.html>

Questions regarding the MMJ query in CJIS can be directed to the CJIS Support Services Unit at 617.660.4710.

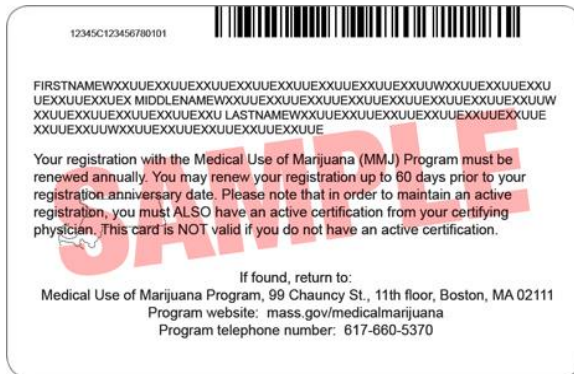
Sample images of the three ID cards follow on next page.

1. Sample Patient ID Card

Front



Back

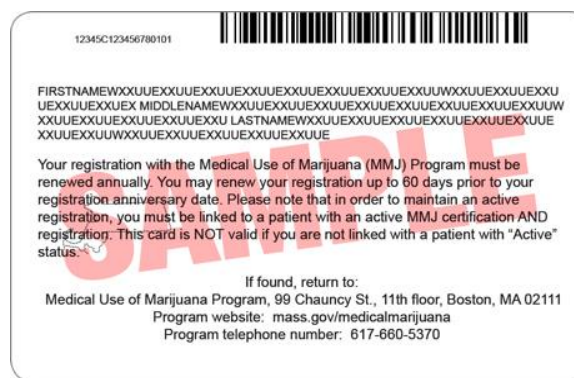


2. Sample Caregiver ID Card

Front



Back

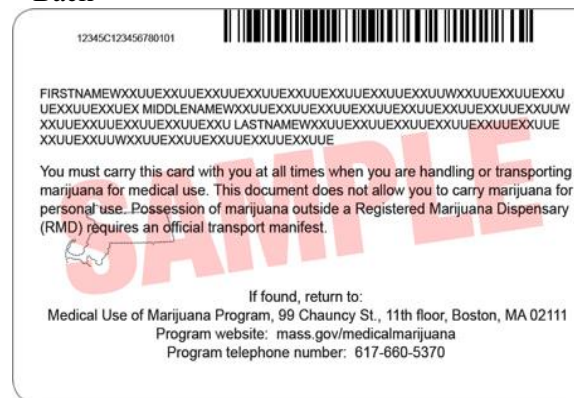


1. Sample RMD Agent ID Card

Front



Back



Changes to Laws Regarding CORI and Domestic Violence, Rape, and Sexual Assault Cases

On August 8, 2014 the Governor signed into law Chapter 260 of the Acts of 2014, “An Act Relative to Domestic Violence.” The statute primarily updates laws pertaining to victims’ rights and establishes new rules and procedures regarding how law enforcement responds to domestic violence, rape, and sexual assault cases, as well as records relating to these cases. There are three CORI-related changes in the law that police departments should be aware of: changes in the definition of Criminal Offender Record CORI (“CORI”), changes in the availability of police reports, and changes to the daily log requirements.

Changes to the definition of CORI:

Section 3 of Chapter 260 of the Acts of 2014 amends the definition of CORI as defined in M.G.L. c. 6, § 167. CORI has been amended to include information regarding dangerousness hearings conducted pursuant to G.L. c. 276, § 58A, where a defendant is detained prior to trial or released with conditions under § 58A. The law further provides that this information will be available to law enforcement.

Access to reports of rape, sexual assault and domestic violence cases:

The General Laws were also amended to outline who specifically may have access to reports and communications relating to rape, sexual assault, and domestic violence cases. Section 7 of Chapter 260 of the Acts of 2014 rewrote G.L. c. 41, § 97D. G.L. c. 41, § 97D expressly states that all reports and communications between police officers and victims on these types of offenses are not public record and shall be maintained by the police department in a manner to assure their confidentiality.

This section of the law, however, sets forth several exceptions regarding when reports of this type may be released. Upon written request, the following groups of individuals shall have access to the reports: (1) a victim, a victim’s attorney, or others specifically authorized by the victim to obtain this information; (2) victim-witness advocates as defined in G.L. c. 258B, § 1, domestic violence victims’ counselors as defined in G.L. c. 233, §20K, and sexual assault counselors as defined in G.L. c. 233, § 20J if such access is necessary for the performance of their duties; and (3) law enforcement officers, district attorneys or assistant district attorneys, and all persons authorized to admit persons to bail under G.L. c. 276, § 57.

The law requires a written request for this information. The DCJIS suggests that, prior to releasing information to a victim, the department confirm the identity of the victim. For requests submitted by a victim’s attorney, the department may request a letter of representation from the

attorney or a signed release from the victim. The DCJIS suggests that the department obtain a written release signed by the victim prior to releasing the report to other individuals authorized by the victim, including, but not limited to, domestic violence or sexual assault counselors. A victim-witness advocate will need to provide proof that he/she is assigned to the victim's case. Law enforcement officials, as outlined in the law, may be provided the report without a signed release from the victim.

The change to the law now affords access to otherwise statutorily protected CORI information and victim information to civilians, including domestic violence and sexual assault counselors. It is important to note that the law requires that such access be provided as needed for the performance of the counselor's duties. As such, a counselor should not, for example, submit a broad request for all rape cases. The counselor must be working with a named victim. For this reason, the DCJIS suggests that a signed release be obtained from the victim prior to releasing the information to civilians. In some cases, a local human services agency, such as a Rape Crisis Center, may ask to set up a collaboration with the local police department to assist victims of crime and receive reports of these types of crimes for the purpose of providing outreach to victims. In this case, the department may consider asking victims of rape, sexual assault, or domestic violence if they would like to be contacted by the human service agency. If yes, then the DCJIS suggests that victims sign a release allowing the department to share their contact information and/or report with the agency.

Finally, this law also provides for a criminal penalty for violations of this statute. The penalty is a misdemeanor offense punishable by not more than 1 year and/or a \$1,000 fine.

Changes to the Daily Log requirements

Police departments must still maintain a publically available daily log of police responses to complaints within its jurisdiction. However, Section 8 of the new law changed how responses to domestic violence, rape, and sexual assault cases are recorded.

G.L. c. 41, § 98F requires each police department to maintain a written daily log of responses to valid complaints received, crimes reported, the names and addresses of persons arrested, and the charges against such persons. The log must be made available to the public.

The amendments to § 98F require police departments to maintain a separate, confidential log of reports relating to rape, sexual assault, domestic violence, and cases of assault, assault and battery, and/or violations of protective orders, where the victim is a family or household member as defined in G.L. c. 209A, §1. This log is not available to the public.

It should be noted that the law did not change the requirements pertaining to keeping a separate and confidential log of entries relating to physically or mentally incapacitated individuals. Police

departments must continue to keep a separate log for these responses. This information is not available to the public.

Conclusion:

In this article, the DCJIS has summarized the sections of Chapter 260 of the Acts of 2014 that relate to CORI and record keeping requirements. This summary is not intended to serve as legal advice but, rather, a summary of the law and DCJIS Counsel's suggestion on how to comply with the law without violating the CORI statute. There are other sections of the law relating to police training and other areas that may be of interest. Please see the following link for the full text of Chapter 260 of the Acts of 2014:

<https://malegislature.gov/Laws/SessionLaws/Acts/2014/Chapter260>.

DID YOU KNOW?

NCIC Entries

Prior to making an entry into NCIC, perform an inquiry to ensure there is NO Prior Record Entered.

The most common inquiries would be
Wanted/Missing – Query by Name/DOB (QWA)
Vehicle/Plate/Part – Query by Plate and VIN/Serial # (QV) – run both

For Wanted Persons ONLY the most Severe of the Offenses should be entered.
Only One Warrant per Agency shall be entered into NCIC. You may use the Additional Offense Field (ADO) to indicate that multiple warrants exist for the same individual by the same ORI.
Additional offenses should be listed in the MIS Field.

Person Entries

A common confusion with person entries into NCIC is the NCIC description of Operator License Number (OLN) and License Number (LIC); these refer to Driver's License and Vehicle Registration respectively. If you hold the mouse over the entry field, help tips/tools will appear. Numerous records contain Driver's License (OLN) information where Registration/Vehicle information (LIC) should be.

Government License Plates

All non-tactical (or undercover) federal vehicles carrying U.S. Government license plates are required to be registered in the Federal Motor Vehicle Registration System (FMVRS). This means that the information is available to the CJIS user by performing an RQ inquiry via Nlets with the State code of "GS". This includes United States Postal Service vehicles.

The State Code of 'GS' is used to initiate the NLETS queries for any federal vehicles -- i.e. USPS or those mounted with U.S. Government license plates.

Administrative Messages

CJIS users should use the following format when sending an Administrative message via CJIS/Nlets. It is not always obvious who is sending the message and this will assist the agencies you are attempting to communicate with. Additionally, the end of the Administrative message must include an Authorization (Auth) and Operator (Oper) signature.

Example:

To:
From:
Subject:

When sending a message in-state, use the MA Specific Destinations in the Drop-down box of Destination 1

GBC – All terminals Statewide
AGB – Greater Boston / Northeastern Mass
BWE – Berkshire / Western Mass
CWO – Central Mass / Worcester County
SEM – Southeastern Mass / Cape and Islands

Using these codes, the messages will NOT sit for Message Review and will be distributed immediately.

EVENTS & SAVE-THE-DATES

UPCOMING CJIS TRAINING

February 19, 2015

March 18, 2015

April 15, 2015

Validation Training

February 24, 2015

March 27, 2015

MIRCS Training

February 27, 2015

April 30, 2015

To register for trainings, please call CJIS Support Services Unit at: (617)660.4710 or register online via the CJIS Extranet. Seating is limited, so please register early.

WHO TO CONTACT AT DCJIS

Massachusetts DCJIS Contacts

DCJIS Unit	Telephone Number
DCJIS Main Number	617-660-4600
DCJIS Main FAX Number	617-660-4613
TTY Number	617-660-4606
CJIS Support Services Unit	617-660-4710
Firearms Records Bureau	617-660-4782
Firearms PIN & Status Hotline	617-660-4722
Legal Unit	617-660-4760
Constituent Assistance & Research Unit (CARU)	617-660-4640
Criminal Offender Records Information (CORI)	617-660-4704
SAFIS Response Unit (SRU)	617-660-4790
SAFIS Screening Unit	617-660-4721
Victim Services Unit	617-660-4690

**MASSACHUSETTS
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**The DCJIS Newsletter will be
transmitted electronically and
posted to mass.gov/cjis and the
DCJIS Extranet.**